IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.75 OF 2005

Smt.Neeta S. Tadage. ..Applicant.

V/s.

Shri Sanjay S. Tadage. ..Respondent.

Mr.Sandesh Patil for applicant.

Mrs. Glady Pereira Mahimkar & Poonit S. Mahimkar for Respondent.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 17, 2006.

P.C. :

1. Heard counsel for the parties.

2. Indeed, the matrimonial proceedings which is now sought to be transferred, instituted by the respondent husband, were in earlier point of time. However, fact remains that the petitioner presently resides at Dhule with her parents. The child born out of the wedlock is under the care and custody of the petitioner. There is also no doubt that petitioner is not gainfully employed as is presently advised. Taking overall view of the matter in the interest of justice, having regard to the fact that the petitioner has also instituted matrimonial proceedings under section 9 of Marriage Act before

the Court of Civil Judge, Sr.Division, Dhule being numbered as HMP/149 of 2005, and as both the proceedings involve common or overlapping issues which can be resolved by trial before one court, in the circumstances, this application succeeds in terms of prayer clause (a) with direction to the concerned Judge before whom both the proceedings will now be tried to ensure that the same are tried expeditiously and as far as possible by the end of December, 2006.

3. The concerned Judge will keep in mind that the respondent is employed in Police Department and will not be in a position to take repeated leave from his duty. In the circumstances, trial judge will ensure that once recording of evidence commences the same should progress on day to day basis to ensure early disposal of the proceedings. Both the parties have no objection, if this course is adopted.

5. Ordered accordingly. No order as to costs.